11

A Collection PRESERVED

G. R. S. App. F. IX-4]

Previous References.

Legs. 7-39-1

Later References.

194 - (Legs)

Legs File No. 413-

Serial Nos. 1

GENERAL AND REVENUE SECRETARIAT

Serial Nos. one item

Part B for May 1942

SUBJECT

The Mysore Cotton Control Act

THE MYSORE LEGISLATIVE COUNCIL,

udget Session, 1940.

4671.

GEN. & REV. SECTT. Camp 8. 8 JUNE 1940 AGRL. & FOREST BRANCH

Mr. D. H. CHANDRASEKHARAIYA.--

* Q. No. 45. Will the Government be pleased to state:

(a) the steps taken by the Government (i) to popularise the cultivation of improved varieties of cotton in the various parts of the State, and (ii) to prevent the cultivation of inferior varieties;

(b) whether it is not a fact that the Committee on the improvement of commercial crops recommended the enactment of what is known as the "Cotton Cultivation Control Act"; if the answer is in the affirmative, why they have not introduced that Act;

(c) the places wherein the Regulated Market Act has been brought into effect?

Dft. Reply calling for replies from Dirs of Agri & Sec are sent.
Sitto
9/6/40.

Memo No. AF Camp. 6-7. Dt. 9-6-40.

To The Dir of Agri & Dir of Sec.

I. C. – Questionnaire

5 U (4)
5 5 7

General and Revenue Secretariat | File No. of 194 | [App. F. III–2

Serial No.

P.O. dated 20/9/38, to submit detailed proposals in these matters. [illegible] would like the addressee to have these received. If approved, he will be addressed separately to submit, for the consideration of Govt, a revised bill on the lines of the resolutions Nos (2), & (3), of the sub-committee, by including important provisions of the "Cotton Transport Control Bill" in the proposed "Cotton cultivation Control Bill." as also proposals in regard the resolutions Nos 4 & 5 of the committee. Submitted for orders.

A draft reply is also put up for approval. Further details furnished by the Dir of Agr may perhaps be required for answering supplementary questions if any.

The draft replies may be typed
approved

20/6

20/6/40

OFFICE OF THE SECOND MEMBER OF COUNCIL
21 JUNE 1940
No. 11050

GENERAL SECRT
20 JUNE 194
518

Typed draft is put up as desired

20/6

NOTE—Contn. Sheet. 20/6

(Carter)

2nd Member)

23.6

[illegible]

To the L.C. for Secretary for Kindly letting
know copies hereof + returning this
file
[illegible]
2/7/6

11 Reply is invited to the replies
to questions (a) (i) + (b). It
is stated therein that the question
of the introduction of "the cotton
cultivators control Act" is
also the consideration of Govt.
It is for orders whether the
Govt. of Assam may be addressed in
the matter as suggested in
para 4 above

12 As no action appears to have been
taken as required in the G.O dated 2 2075
the Director of Agri may perhaps be asked
to send up his proposals early and also
submit for consideration a draft of the
Cultivators Control
of the "Cotton transport bill including
in it the important provisions of the
"P.M. Trade (Regulation) bill

Mysore Cotton Control Bill

Serial No.

23 The Bill follows in the main the Bombay Cotton Control Act, 1935.

24 The following changes may, with advantage, be made in the Bill:-

Clause 3. - In sub-clauses (a) and (b) the words "prohibit or regulate" may be substituted for the word "prohibit". Even after this change, Government could still prohibit entirely the cultivation or mixture of inferior cotton.

25 In sub-clause (e), the words "without a licence from Government" may be omitted where they occur and after the words in the beginning, "prohibit the construction" the following words may be added, "except under a licence ~~from the Government or an authority authorised in this behalf by the Government,~~"

26 Clause 4.- Sub-clauses (b) and (c) may be recast as follows:-

(b) (i) mixes or causes to be mixed such cotton with any other cotton, or
(ii) possesses, uses or trades in such cotton or any other cotton mixed with such cotton or
(iii) imports without licence any such cotton,
shall on conviction be punishable with fine which may extend to rupees five hundred for the first offence and rupees one thousand for every subsequent offence;

(c) constructs any ginning and pressing factory in ~~a controlled area~~ the area specified in clause (c) section 3 without licence shall, on conviction, be punishable with fine which may extend to rupees two hundred for every day that the factory is continued in such area.

27 Clause 8.- The words in brackets, "(namely motor lor railway waggon)" may be omitted. If these are considered necessary the word "including" may be substituted for "viz"

Inferior cotton having been defined, the words, Bokda cotton or" may be omitted

2

General and Revenue Secretariat

Serial No.

In sub-clause (2) of clause 14, an additional clause may be added as follows:

"the terms and conditions of a licence which may be granted for the construction of ginning and pressing factories in the areas specified in clause (e) of section 3 and the authorities by whom it may be granted;

2 The aforesaid changes may be considered & incorporated in the Bill

Law Secretary) 3

29/4/41.

Hon — 2

30/4/41.

2379

For Disposal by Circulation. **No. C. 3**

7 1940

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

THE MYSORE COTTON CONTROL BILL.

Circulated to the Council of Ministers.

By Order,

8th June 1941. *Chief Secretary to Government.*

Minister for Finance and Revenue. (Leave)

Minister for Law. 8.6.41

Minister for Education.

Minister for Local Self-Government and Public Health. 9.6.41

Gen.Secy. with compliments.

10/6/41

General and Revenue Secretariat | File No.

Serial No.

D.F.N. is returned for approval
Fair draft placed (today)
26/6

Fair draft is returned as desired.
For favour of submission
26/6

6)

Minister
27/6

Signed final notes placed below

7.

For favour of approval

Dwan)

The final note should be referenced clean copy of the Draft Bill put up.

9/7/41

Returned with a clean copy of the Draft

known as Bokda cotton is being started for adulteration with the medium staple cotton grown in Chitaldrug. It is, therefore, considered necessary to introduce legislation to prohibit the cultivation and transport of inferior cotton to controlled - areas as recommended by the Sub-Committee. In new areas, like the Irwin Canal area, where very superior cotton is arranged to be grown under irrigation, it is necessary to safeguard the purity of the varieties of cotton grown there and also to control the construction of ginning and pressing factories by the issue of licenses.

A Bill has therefore been prepared for the above purposes. The draft Bill, together with a statement of general principles, is placed below. The Dewan and the other Ministers have agreed to the proposed legislation. I solicit His Highness' gracious sanction to the general principles of the Bill being placed before the next session of the Representative - Assembly and the Bill itself being introduced in the Legislative Council.

M. Venkatarama Iyer

MINISTER,
FINANCE AND REVENUE.

Bangalore,
6th July 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

The Mysore Cotton Control Bill.

der.

RW
16/7/'41.

88/14

The Cotton Control Bill

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

The file may now be sent to the R. A. & L. C. branch (Legislative section) for further action.

26/7/41

26/7

Ansley
Legislative
W/C

Steps will be taken to have this Bill placed before the Representative Assembly in October. A copy of the Bill and the Statement of General Principles, duly if approved be sent to the Translation section now alone to facilitate early translation.

Secy
RA (de)

yes
4/8

The typed copies may be compared with the original, one copy sent to the Translation section and steps taken to place the Bill before the R.A.

12/8/

Three copies taken & the file returned

Legis Section)

21.8.41.

21/8/41.

please have 3 copies of the Bill and statement sent to us please

5/8

Pro. Bennett

2339

re the Cotton Control Bill

File No. 277/M of 193

General and Revenue Secretariat

The Bill is ready for the R.A. Pl. see for orders as to who should be in charge of the Bill in the R.A

27.9.41
Secy
(Agriculture)

The General Secretary may be in charge of the Bill

BKR
27-9-41
Law Secy)

EGY. LAW DEPT.
28 SEP. 1941
GOVT OF MYSORE

28/9/41
BKR
28-9-41
28.9.41
Gen. Secy)

GENERAL SECRE
28 SEP. 1941

28/9
29/9

GEN. & REV. SECTT.
30 SEP. 1941
APPL. & FOREST BRANCH.

may [illegible] transferred to the Legis section for further action

17/10.
15/10

Mysore Cattle Control Act

21

and Revenue
cretariat
.. & L. C.

File No. of 194 217/41 [App. F. III-2

Serial No.

The Principles of the Bill were approved by the R-A.

The Bill may, if approved, be published under rule 36 of the Mysore Legislative Rules.

The St. of Principles will be adopted as the St: of Objects and Reasons.

SECY. LAW DEPT. 3 NOV. 1941 GOVT OF MYSORE

Law Secy)

May be approved

Minister) 3/11/41.
for Law.

Notes on clauses should be added

4/11/41

OFFICE OF THE MINISTER FOR LAW NOV 4 1941 4 3004

Hm 2 5.11.41.

Statement of Objects and Reasons adopted from the St. of Principles and notes on clauses are put up. The publication of the Bill and the Statement under rule 36 is for orders.

7.11.41

Law Secy)

May be approved

OFFICE OF THE MINISTER FOR LAW NOV 8 1941 4465

Minister) for Law & Dewan)

Hm 2 7.11.41.

7.11.41

Thro Gen Secy)

7/11

9-11-41

7/11

11/11/41

7.11.41

Hm 2 11/11/41

11.11.41

Non Controls Bill

of 194 | General and Re
Secretaria
R. A. & L.
Serial No.

Sudra write a draft notification for
a gaze.
DBN
12.11.41

J Stone
for
12.11.

BDN 12/11/41

The Controller, Mysore gazette.

Issued NO RL 934 dated 13th NO

directs the publication of the bill in
the Gazette, under the provisions of Rule 36
the Mysore Legislature Rules, 12.11.41.

This Bill enacts legislation to Control Cultivation
of inferior Cotton and Mixing inferior Cotton with good Cotton
This new legislation and as such may perhaps require
Consideration by a Select Committee. However as it is
non Controversial and is based on Corresponding
enactment in Br. India it is for Consideration
whether motion to pass at one sitting may not
be tabled, it being left to any member to move
for reference to a Select Committee if he thinks
fit to do so.

In the light of the above, the following motions
are suggested

1- motion that the Bill published under Rule 36
of the Mysore Legislative Rules be taken into
Consideration by the Council at once

Secretary General Secretary

Final Note by the Minister for Law.

Subject.—

The Mysore Cotton Control Bill.

The gracious approval of His Highness was accorded on the 16th of July, 1941, to the general principles of the Mysore Cotton Control Bill being placed before the Representative Assembly and to the Bill itself being introduced in the Legislative Council.

The Statement of principles of the Bill was accordingly placed before the Representative Assembly, during its last session, and was approved by it. The Bill itself, was thereafter introduced in the Legislative Council, during its recent session, and was passed by it at one sitting. A copy of the Bill as passed by the Legislative Council and signed by the President, in accordance with Standing Orde 44 of the Mysore Legislative Council Standing Orders, is submitted herewith.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

Bangalore,
3rd January, 1942.

MINISTER FOR LAW.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the promulgation into law of the Mysore Cotton Control Bill, for His Highness's gracious approval.

R Ma Chetty

DEWAN.

Camp Trivandrum,
7th January 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Mysore Cotton Control Bill.

Order.

8/1/42

The Mysore Cotton Control Act

General and Revenue Secretariat
R. A. & L. C.

Sys File No. 38 27/42 of 1941.

App. F. III-2

Serial No.

The previous assent of His Highness was accorded on 8.1.42 to promulgate the Bill into Law.

Draft G.O. directing is publication as Act No XII of 1942 is put up

27.1.42

SECY. LAW DEPT. 852. 27 JAN. 1942 GOVT OF MYSORE

BKR 27.1.42

Hm 2 27.1.42

Disme

BKR 27-1-42

Issued No. R.L 1322-hej in 43-41-1 dated 27th Jan 1942 to the Compiler, Mysore Gazette Directs publication of the Mysore Cotton Control Act, 1942 as Act No XII of 1942 This file will be recorded if approved.

A

27.1.42

19.5.42

19.5.42

A.B.C. 5th Edition

Telegraphic Address: "Agri., Bangalore."

DEPARTMENT OF AGRICULTURE

MYSORE STATE.

No. Camp 114/39-40

OFFICE OF THE DIRECTOR OF AGRICULTURE,
(Camp) Mysore.
Bangalore, ...9th June.....1940

GEN. & REV. Camp 20 10 JUNE 1940 AGRI. & FOREST BRANCH.

FROM

T. G. RAMA IYER, ESQ., B.A.,
DIRECTOR OF AGRICULTURE IN MYSORE,
BANGALORE.

GENERAL SECRETARIAT 10 JUNE 1940 Agri

TO

J. Appaji Gowda, Esq., B.A., (Hons.)
General Secretary to the Govt. of H. H. the
Maharaja of Mysore, (Camp) Mysore.

SIR,

Referring to your letter No.A.F.Camp6-7/Agri.264-39-2 dated 9-6-1940 requesting me to furnish draft replies to Interpellation No.45 of Mr. D. Chandrasekhariya regarding the cultivation of improved varieties of cotton, I have the honour to state that the information required for answering the question 45 (a) (i) is being collected and will be furnished in time. As regards question 45(a) (ii) and (b) the information has to be furnished by the Secretariat before whom the matter has been pending for well over a year. Reply to question 45 (c) may kindly be called for from the Director of Industries and Commerce in Mysore, Bangalore who is dealing with the subject.

I have the honour to be,
Sir,
Your most obedient servant,

Director of Agriculture.

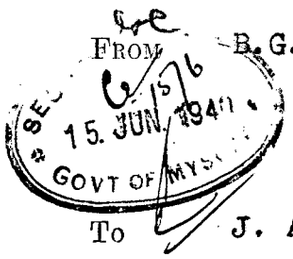
Subd. The reply from the Dir of Ind & Com is awaited.
12/6
What about Q 45(a)(ii) and (b)?
The secttfile is being found.
13/6
13/6

Tele { Phone No. 2004
Grams– INDUSCOM.

In reply please quote number, date & short title.

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.



FROM B.G.A. Mudaliar Esq., B.A.,B.Sc.,A.M.I.Mech.E.
Ag.Director of Industries and Commerce in Mysore,
Bangalore.

To J. Appaji Gowda Esq., B.A.(Hons.)
General Secretary to Government of Mysore,
Bangalore.

No B.-Ag.Camp./39-40.

Dated 15th June 1940.

Enclosures Two.

SIR,

Subject: Cultivation of improved varieties of cotton.

With reference to your letter No.AF.Camp 6-7/Agri.264-39-2 dated the 9th June 1940 forwarding copy of an interpellation to be answered at the ensuing session of the Legislative Council in connection with the above, I have the honour to forward herewith draft replies to items Nos.(b) and (c) of the interpellation along with a note on the subject and to state that the Director of Agriculture in Mysore may kindly be addressed regarding replies to item (a) of the interpellation.

I have the honour to be,
Sir,
Your most obedient servant,

B.G.A. Mudaliar
DIRECTOR.

The Mysore Legislative Council - Budget Session 1940.

Question No.45 by Mr. D.H. Chandrasekharaiya.

Questions.	Answers.
Will the Government be pleased to state:-	(a) (i) Seeds of improved Varieties of cotton are distributed by the depots on a very extensive scale. Free distribution of improved Varieties of seeds for demonstration areas where cotton is being newly introduced is also made. (ii) Two new medium staple strains with high ginning percentage viz. C.N 4-5- & C.N 8- are being introduced to replace the staple Dodda & Challakere & Jayachamarajendra Hybrid Dodda cotton by the Agriculture Dept.
(a) the steps taken by the Government (i) to popularise the cultivation of improved varieties of cotton in the various parts of the State and (ii) to prevent the cultivation of inferior varieties.	
(b) Whether it is not a fact that the Committee on the improvement of commercial crops recommended the enactment of what is known as the "Cotton Cultivation Control Act"; if the answer is in the affirmative, why they have not introduced that Act;	Yes. The question regarding the introduction of the "Cotton Cultivation Control Act" has been receiving the consideration of Government.
the places wherein the Regulated Market Act has been brought into effect.	This Act providing for the establishment of Regulated Markets is called the "Mysore Agricultural Produce Markets Act" XVI of 1939. The Rules to be issued under the Act are under the consideration of Government. It is proposed to bring the Act into force at Davangere in the first instance and to extend its application later on to Chitaldrug, Tiptur and Arsikere.

DIRECTOR
Industries & Commerce

Government, in their order No.D.8774-84/A&E.123-36-10 dated the 24th/25th June 1937 appointed a Special Committee of the Board of Industries and Commerce consisting of officials and leading merchants with the Second Member of Council as Chairman, to consider and report regarding the measures necessary for the better cultivation and marketing of cotton and certain other important commercial crops of Mysore, particularly in the Chitaldrug District. The Committee recommended, among other things, the enactment of legislation for the control of cotton cultivation and for prohibition of the cultivation possession and transport of inferior and undesirable varieties of cotton and for the constitution of Regulated Markets for agricultura commodities to secure fair dealings to growers and buyers alike. Th recommendations of the Special Committee were approved of by the Board and as resolved by the latter, they were duly submitted to Government for consideration.

In pursuance of the recommendations of the Special Committee referred to above, the enactment known as the "Agricultural Produce Markets Act" has since been introduced in the State as Act XVI of 1939. The Rules to be framed under this Act have been drafted and submitted to Government. The Draft Rules are now receiving the consideration of Government. It is proposed to introduce the Act at Davangere to start with and to extend its application later on to Chitaldrug, Tiptur and Arsikere. A suitable site for the location of the Market at Davangere has already been selected and a recommendation has been made to Government for utilising the site for the construction of the Market.

The question regarding the introduction of the other enactment called the "Cotton Cultivation Control Act" which the Special Committee of the Board have recommended in this connection is also under the consideration of Government.

/B.T. Mudaliar

DIRECTOR
of Industries & Commerce.

THE MYSORE LEGISLATIVE COUNCIL.

Budget Session- 1940.

Question No.45 by Mr. D.H. Chandrasekhariah - Replies.

Will the Government be pleased to state:

(a) the steps taken by the Government (i) to popularise the cultivation of improved varieties of cotton in the various parts of the State, and (ii) to prevent the cultivation of inferior varieties;

(a)(i) Seeds of improved varieties of cotton are being distributed by the Agricultural Department on a very extensive scale. Free distribution of improved varieties of seeds for demonstration in areas where cotton is being newly introduced is also made. (ii) Two new medium staple strains with high ginning percentage are being introduced to replace short staple bokada in Challakere and Molakalmuru taluks.

(b) Whether it is not a fact that the Committee on the improvement of commercial crops recommended the enactment of what is known as the "Cotton Cultivation Control Act"; if the answer is in the affirmative, why they have not introduced that Act;

(b) Yes. The question of the introduction of the "Cotton cultivation control Act" is under the consideration of Government.

(c) the places wherein the Regulated Market Act has been brought into effect?

(c) N i l.

21/66

21/6

General Secretary to Government.

THE MYSORE LEGISLATIVE COUNCIL.

Budget session - June 1940.

QUESTION No. 45.

Mr. D.H. Chandrasekhariah.

Will the Government be pleased to state:-

(a) the steps taken by the Government to

i) popularise the cultivation of improved varieties of cotton in the various parts of the State and ii) to prevent the cultivation of inferior varieties;

(b) Whether it is not a fact that the Committee on the improvement of Commercial crops recommended the enactment of what is known as the 'Cotton cultivation Control Act'; if the answer is in the affirmative, why they have not introduced that Act:

(c) the place wherein the Regulated Market Act has been brought into effect?.

R E P L Y.

(a) i) Seeds of impr varieties of cotton are ing distributed by the A cultural Department on a very extensive scale. F distribution of improved varieties of seeds for d monstration in areas whe cotton is being newly i troduced is also made.

ii) Two new mediu staple strains with high ginning percentage are b ing introduced to replac short staple bokada in Challakere and Molakalmu Taluks. Legislation to p hibit short staple bokad is under contemplation.

(b) YES. The quest of the introduction of t 'Cotton cultivation Cont Act' is under the consid tion of Government.

(c) NIL.

23/6/40

General Secretary to Govt

Appendix F G—1]

SUBJECT.....

.....

.....

Section Agri

File No. 2611-39

Serial No. 3

Diary No. of letter replied to.....

No. A 7345/Encs 2

To

The Dir of Agr.

Sir,

General and Revenue Secretariat

( )

the *19*

I am directed to forward, herewith ~~a copy of~~ ~~file Legis 7-39-1 (Cotton)~~ the marginally noted bill, ~~for~~ to request you to submit it in consultation with the Dir of Agr. with the matter ~~for~~ ~~legislation~~ proposed as also a revised draft of the Cotton Cultivators Cultivation bill (including with it explanatory provisions of the "Cotton Transport Cultivation bill") to facilitate its

Date of issue..... 18/7/1940

Signed by ..... for Secretary

1). The Cotton Cultivators Cultivation bill
2) The Cotton Transport Cultivation bill

List of enclosures.....

Copied by .....

according to the resolution dated 16/3/38 vide (2) & (3) of the Sub-Committee of the Board of Agr & C

Examined by .....

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

Dated, Bangalore, 18th July, 1940.

No. A 73465
Agri 264-39-3

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
General Department

To

The Director of Agriculture in Mysore,
Bangalore.

S i r,

I am directed to forward, herewith, the marginally noted bills, and to request you to submit, in consultation with the Director of Industries and Commerce, definite proposals in the matter as also a revised draft of the Mysore Cotton Cultivation Control bill (including in it important provision of the "Cotton Transport Control bill" according to the resolutions dated 16th March 1938 Nos. 2 and 3 of the Sub Committee of the Board of Industries and Commerce) together with a statement of objects and reasons, for the consideration of Government.

1. The Mysore Cotton Cultivation Control Bill.
2. The Mysore Cotton Transport Control Bill.

The matter may be treated as urgent. The bills may be kindly returned with the reply

I have the honour to be,

S i r,

Your most obedient servant,

13/7

Secretary to Government
General Department

Agr 264-39-4

A .B. C. 5th Edition.

Telegraphic Address:
" Agri., Bangalore. "

DEPARTMENT OF AGRICULTURE

MYSORE STATE.

41

No. Sc.10-208/40-41.

with encls.

OFFICE OF THE DIRECTOR OF AGRICULTURE,

Bangalore, .5th..Decr.....194 0.

2024

GEN. & REV. SECT. 6 DEC. 1940 AGRI. & FOREST BRANCH.

FROM

T. G. RAMA IYER, ESQ., B.A.,

DIRECTOR OF AGRICULTURE IN MYSORE,

BANGALORE.

To

J. Appaji Gowda, Esq., B.A., (Hons.)
General Secretary to the Govt. of H. H. the
Maharaja of Mysore, Bangalore.

GENERAL SECRETARY. 6 DEC. 1940 Agri

SIR

As requested in your letter No.A.F.345/Agri. 264-39-3 dated the 18th July 1940, I have the honour to submit herewith a revised draft of the Mysore Cotton Control Act, in duplicate, in consultation with the Director of Industries & Commerce.

The draft bills received with your letter under advertance are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

Director of Agriculture.

6.12.40

3. The Government may by notification in the official Gazette in such local area and for such period as may be specified in the notification -

Power to issue notification prohibiting the cultivation etc., of inferior cotton.

(a) prohibit the cultivation of Bokda or other inferior cotton; or

(b) prohibit the mixing of such cotton with any other cottons; or

(c) prohibit or restrict the possession or use of, or trade in, Bokda cotton or any other cotton mixed with Bokda cotton; or

(d) prohibit the import of specified varieties of inferior cotton in quantities of more than 10 lb except under license.

4. Penalty.- Any person, who in contravention of the provisions of this Act or any notification issued under Section 3 or rule made under Section 14 knowingly -

(a) cultivates Bokda or other inferior cotton shall, on conviction, be punishable with fir which may extend to Rupees Twenty for every first offence and to Rupees Fifty for every subsequent offence;

(b) (i) mixes or causes to be mixed Bokda cottor with any other cotton, or

(ii) possesses,uses or trades in Bokda cott or any other cotton mixed with Bokda or othe inferior cotton; or

(iii) imports without license any inferior cotton -

shall on conviction be punishable with fine which may extend to Rupees five hundred for the first offence and Rupees one thousand for every subsequent offence.

45

shall be deemed to amount to an acquital and no further proceedings shall be taken against such person in respect of such offence.

(3) notwithstanding anything contained in sub section (2) it shall be lawful for the court or the officer authorised under sub section (2) of Section 6 to order confiscation under Section 5.

8. (1) Power to entry and seizure. Any officer authorised in this behalf by the Government may between the hours of 6 A.M. and 6 P.M.

(a) enter upon any land in a controlled area in which he knows or has reason to believe that Bokda cotton has been or is being cultivated in contravention of a notification under Section 3, uproot or cause to be uprooted such cotton, and seize the cotton so uprooted; or

(b) enter upon or into any land, building, ~~ship, vessel~~ Vehicle ~~vehicle~~, viz Motor Lorry or Railway Waggon or place in a controlled area in which he knows or has reason to believe that Bokda or inferi cotton or any other cotton mixed with Bo~~kda~~a or inferior cotton is kept in contravention of a notification under Section 3 and seize such cotton.

(2) Every officer seizing any cotton under this Section shall forthwith -

(a) make a report of such seizure to the nearest Magistrate of the First or Second class having jurisdiction to try the offence committed in respect of such cotton specifying in such report the particulars of such cotton and furnish a copy of such particulars to the occupier, or person in charge of the land, building, ship, vessel, vehicle or place on or in which such seizure was made, and

(b) subject to rules made under Section 14, forward such cotton to the nearest Officer authorised by the

cotton to the nearest Officer authorised by the
subject to rules made under Section 14, forward such
which such seizure was made, and
building, ship, vessel, vehicle or place on or in
to the occupier, or person in charge of the land
such cotton and thereon a copy of such particulars
cotton specified in such report the particulars of
tion to try the offence committed in respect of such
trate of the First or Second class having jurisdic-
make a report of such seizure to the nearest Magis-
shall forthwith -

Every officer seizing any cotton under this Section
fication under Section 3 and seize such cotton
inferior cotton is kept in contravention of a noti-
cotton or any other cotton mixed with Bokra or
knows or has reason to believe that Bokra or inferior
vehicle, or place in a controlled area in which he
ever upon a Tato any land, building, ship, vessel
uproated; or

be uprooted such cotton, and seize the cotton so

a notification under Section 3, whether or cause to
has been or is being cultivated in contravention of
be known or has reason to believe that Bokra cotton
ever upon any land in a controlled area in which
between the hours of 9 A.M. and 6 P.

penalt by the Government may
and seizure.

rcer to entry Any officer authorised in this

conjunction under Section 5

authorised under sub section (2) of Section 6 to order
it shall be lawful for the court or the officer
notwithstanding anything contained in sub section (2)
person in respect of such offence.

further proceedings shall be taken against such
shall be deemed to amount to an acquittal and no

Rules.-(1) The Government may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Government may make rules for all or any of the following purposes, namely:-

(a) to prescribe the sum of money to be paid by way of composition under Section 7;

(b) to prescribe the conditions subject to which cotton seized may be forwarded under Section 8;

(c) the terms and conditions of license for import of inferior cotton and the authority by whom it may be granted;

(d) any such rule may provide that a contravention thereof shall be punishable with fine which may extend to Rupees Fifty.

(d) Any other matter which is to be or may be prescribed.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to Rupees Fifty.

(4) The rules made under this Section shall be subject to the condition of previous publication in the Official Gazette.

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shall be subject to the condition of previous
(4) The rules made under this Section
with fine which may extend to Rupees fifty
contravention thereof shall be punishable
(3) Any such rule may provide that a
may be prescribed
(g) Any other matter which is to be or
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by whom it may be granted;
for import of further cotton and the authority
(c) the terms and conditions of license
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(2) In particular and without prejudice
pose of this Act.
the purpose of carrying into effect the pur-
inconsistent with the provisions of this Act for
ules.-(1) The Government may, [illegible] rules not

3. The Government may by notification in the official Gazette in such local area and for such period as may be specified in the notification -

Power to issue notification prohibiting the cultivation etc., of inferior cotton.

(a) prohibit the cultivation of Bokda or other inferior cotton; or

(b) prohibit the mixing of such cotton with any other cottons; or

(c) prohibit or restrict the possession or use of, or trade in, Bokda cotton or any other cotton mixed with Bokda cotton; or

(d) prohibit the import of specified varieties of inferior cotton in quantities of more than 10 lbs except under license.

4. Penalty.- Any person, who in contravention of the provisions of this Act or any notification issued under Section 3 or rule made under Section 14 knowingly -

(a) cultivates Bokda or other inferior cotton shall, on conviction, be punishable with fine which may extend to Rupees Twenty for every first offence and to Rupees Fifty for every subsequent offence;

(b) (i) mixes or causes to be mixed Bokda cott with any other cotton, or

(ii) possesses,uses or trades in Bokda cot or any other cotton mixed with Bokda or oth inferior cotton; or

(iii) imports without license any inferio cotton -

shall on conviction be punishable with fine which may extend to Rupees five hundred for the first offence and Rupees one thousand fo every subsequent offence.

shall be deemed to amount to an acquital and no further proceedings shall be taken against such person in respect of such offence.

(3) notwithstanding anything contained in sub section (2) it shall be lawful for the court or the officer authorised under sub section (2) of Section 6 to order confiscation under Section 8.

(1) Power to entry and seizure. Any officer authorised in this behalf by the Government may between the hours of 6 A.M. and 6 P.M.

(a) enter upon any land in a controlled area in which he knows or has reason to believe that Bokda cotton has been or is being cultivated in contravention of a notification under Section 3, uproot or cause to be uprooted such cotton, and seize the cotton so uprooted; or

(b) enter upon or into any land, building, ~~ship, vessel~~ vehicle, (Viz Motorlaney or Railway waggon) or place in a controlled area in which he knows or has reason to believe that Bokda or inferior cotton or any other cotton mixed with Bokda or inferior cotton is kept in contravention of a notification under Section 3 and seize such cotton.

(2) Every officer seizing any cotton under this Section shall forthwith -

(a) make a report of such seizure to the nearest Magistrate of the First or Second class having jurisdiction to try the offence committed in respect of such cotton specifying in such report the particulars of such cotton and furnish a copy of such particulars to the occupier, or persons in charge of the land, building, ship, vessel, vehicle or place on or in which such seizure was made, and

(b) subject to rules made under Section 14, forward such cotton to the nearest Officer authorised by the

Rules.-(1) The Government may make rules not inconsistent with the provisions of this Act fo the purpose of carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Government may make rules for all or any of the following purposes, namely:-

(a) to prescribe the sum of money to be paid by way of composition under Section 7;

(b) to prescribe the conditions subject to which cotton seized may be forwarded under Section 8;

(c) the terms and conditions of license for import of inferior cotton and the authority by whom it may be granted;

~~(d) any such rule may provide that a contravention thereof shall be punishable with~~

(d) Any other matter which is to be or may be prescribed.

(3) Any such rule may provide that contravention thereof shall be punishable with fine which may extend to Rupees Fifty.

(4) The rules made under this Section shall be subject to the condition of previous publication in the Official Gazette.

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. A.F. 4289 Agl 264.39-5

Dated Bangalore, 16 December 1940.

FROM

The Secretary to Government of His Highness
the Maharaja of Mysore,
General Department.

To

The Director of Agriculture in Mysore,
Bangalore.

S i r,

With reference to correspondence ending with your letter No.Sc.10-208/40-41 dated 5th December 1940 regarding a revised draft of the Mysore Cotton Control Act, I am directed to request you to send a statement of objects and reasons in duplicate as called for in this Office letter No.A.F.345/Agri.264-39-3 dated 18th July 1940.

I have the honour to be,
S i r,
Your most obedient servant,

Secretary to Government
General Department

Tel. Address, "Agri., Bangalore."
Code: 5th Edition A.B.C.

Agr-264-39-6 235

DEPARTMENT OF AGRICULTURE,

MYSORE STATE.

BANGALORE,

No. Sc.10-208/40-41 E 3

Dated...30.th..Decr....1940.

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FROM

T. G. RAMA IYER, ESQ., B.A.,

DIRECTOR OF AGRICULTURE IN MYSORE,

BANGALORE.

GENERAL SECRETARIAT
2 JAN. 1941

To Appaji Gowda, Esq., B.A., (Hons.)
General Secretary to the Govt. of H. H.
the Maharaja of Mysore, Bangalore.

SIR,

With reference to your letter No.A.F.4289/Agrl. 264-39-5 dated the 16th December 1940, I have the honour to enclose herewith, as desired, a statement of objects and reasons, in duplicate, together with a revised draft of the Mysore Cotton Control Act which may be taken up for consideration in modification of the draft sent with my letter No. Sc 10-208/40-41 dated the 5th December 1940

I have the honour to be,
Sir,
Your most obedient servant,

Director of Agriculture.

Statement of ~~objects and reasons~~ general principles.

In the major cotton tracts in India there is legislation controlling the cultivation and transport of inferior cottons so as to safeguard the quality and reputation of the cotton grown in particular tracts. The Cotton Transport Act of 1923 provides for the prohibition of import of cotton or any specified kind of cotton into any 'protected area' notified under the Act. The Madras Cotton Control Act of 1932 and the Bombay Cotton Control Act of 1935 prohibit the cultivation of specified varieties of inferior cotton in 'controlled areas' notified under the Act. Similar legislation has been introduced in some other provinces also.

In Mysore there is no such legislation at present and the cultivation of a very inferior short-staple cotton known as Bokada cotton is being started for adulteration with the medium staple cotton grown in Chitaldrug. It is therefore necessary to introduce legislation to prohibit the cultivation and transport of inferior cotton to controlled areas. In new areas like the Irwin Canal area where very superior cotton is arranged to be grown under irrigation, it is necessary to safeguard the purity of the varieties of cotton grown. Hence the necessity to control the construction of ginning and pressing factories by the issue of license.

In the proposed Act in Mysore all the necessary provisions relating to the prohibition of cultivation, transport of specified varieties of cotton and the licensing of ginning factories have been made.

except under a licence,

(e) prohibit the construction of ginning and pressing factories in such local area or within a radius of 10 miles from the area without a license from Government. Such license may fix the varieties of cotton and the zone from which cotton may be ginned in the factory.

4. Penalty.- Any person, who in contravention of the provisions of this Act or any notification issued under Section 3 or rule made under Section 14 knowingly

(a) cultivates any of the prohibited varieties of cotton shall, on conviction, be punishable with fine which may extend to Rupees Twenty for the first offence and to Rupees Fifty for every subsequent offence;

(b) (i) mixes or causes to be mixed such cotton with any other cotton, or

(ii) possesses, uses or trades in such cotton or any other cotton mixed with such cotton; or

(iii) imports without license any such cotton; or

(c) constructs any ginning and pressing factory in such area -

shall on conviction be punishable with fine which may extend to Rupees Five hundred for the first offence and Rupees one thousand for every subsequent offence. In the case of construction of a ginning factory without license such fine may extend to Rupees two hundred for every day the factory is continued in the area.

such area.

shall be deemed to amount to an acquital and no further proceedings shall be taken against such person in respect of such offence.

(3) Notwithstanding anything contained in sub section (2) it shall be lawful for the court or the officer authorised under sub section (2) of Section 6 to order confiscation under Section 5.

8. (1) Power to entry and seizure. Any officer authorised in this behalf by the Government may between the hours of 6 A.M. and 6 P.M., —

(a) enter upon any land in a controlled area in which he knows or has reason to believe that Bokda cotton has been or is being cultivated in contravention of a notification under Section 3, uproot or cause to be uprooted such cotton, and seize the cotton so uprooted; or

(b) enter upon or into any land, building, ship, vessel, vehicle, or place in a controlled area in which he knows or has reason to believe that Bokda or inferior cotton or any other cotton mixed with Bokda or inferior cotton is kept in contravention of a notification under Section 3 and seize such cotton.

(2) Every officer seizing any cotton under this Section shall forthwith -

(a) make a report of such seizure to the nearest Magistrate of the First or Second class having jurisdiction to try the offence committed in respect of such cotton specifying in such report the particulars of such cotton and furnish a copy of such particulars to the occupier, or person in charge of the land, building, ship, vessel, vehicle or place on or in which such seizure was made, and

(b) subject to rules made under Section 14, forward such cotton to the nearest Officer authorised by the

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Rules.-(1) The Government may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Government may make rules for all or any of the following purposes, namely:-

(a) to prescribe the sum of money to be paid by way of composition under Section 7;

(b) to prescribe the conditions subject to which cotton seized may be forwarded under Section 8;

(c) the terms and conditions of license for import of inferior cotton and the authority by whom it may be granted;

(d) Any other matter which is to be or may be prescribed.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to Rupees Fifty.

(4) The rules made under this Section shall be subject to the condition of previous publication in the Official Gazette.

16. THE MYSORE COTTON CONTROL ACT.

Statement of Principles.

In the major cotton tracts in India there is legislation controlling the cultivation and transport of inferior cotton so as to safeguard the quality and reputation of the cotton grown in particular tracts. The Cotton Transport Act of 1923 provides for the prohibition of import of cotton or any specified kind of cotton into any 'protected area' notified under the Act. The Madras Cotton Control Act of 1932 and the Bombay Cotton Control Act of 1935, prohibit the cultivation of specified varieties of inferior cotton in 'controlled areas' notified under the Act. Similar legislation has been introduced in some other provinces also.

In Mysore there is no such legislation at present and the cultivation of a very inferior short-staple cotton known as Bokda cotton is being started for adulteration with the medium staple cotton grown in Chitaldrug. It is therefore necessary to introduce legislation to prohibit the cultivation and transport of inferior cotton to controlled areas. In new areas like the Irwin Canal area where very superior cotton is being grown under irrigation, it is necessary to safeguard the purity of the varieties of cotton grown. Hence the necessity to control the construction of ginning and pressing factories by the issue of licenses.

In the proposed Bill all necessary provisions relating to the prohibition of cultivation or transport of specified varieties of cotton and the licensing of ginning factories have been made.

The Mysore Cotton Control Bill.

An Act to provide for the prohibition of the cultivation, possession or transport of inferior varieties of cotton.

WHEREAS, it is expedient for maintaining the quality and reputation of the cotton grown in certain areas of the Mysore State, to prohibit the cultivation of inferior varieties of cotton and to restrict and control the transport of such inferior varieties into the cotton areas in Mysore and to prevent the mixing of such cotton with the superior varieties ; It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Mysore Cotton Control Act 194.....

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*a*) 'cotton' includes cotton plant, ginned and unginned cotton, cotton waste and cotton seed ;

(*b*) 'Director of Agriculture' means the Officer appointed for the time being to be the Director of Agriculture ;

(*c*) 'Inferior cotton' means varieties of cotton prohibited by notification under section 3 ;

(*d*) 'License' means a license granted under this Act ;

(*e*) 'Controlled area' means an area specified in a notification under section 3.

In section 57 of the said Act, for the words

"when the application is made to the Judge of th District in which the deceased had no fixed abode at th time of his death, the Judge may", the following word shall be substituted, namely

"when the application is made to the Distric Judge or the District Delegate within whos jurisdiction the deceased had no fixed abode a the time of his death the Judge or Distric

Power to issue notification prohibiting the cultivation, etc., of inferior cotton

3. The Government may, by notification in the official Gazette, in such local area and for such period as may be specified in the notification—

(*a*) prohibit or regulate the cultivation of specified varieties of cotton; or

(*b*) prohibit or regulate the mixing of such cotton with any other cotton; or

(*c*) prohibit or restrict the possession or use of, or trade in such cotton; or

(*d*) prohibit the import of specified varieties of cotton in quantities of more than 10 lbs. except under license; or

(*e*) prohibit the construction, except under a license, of ginning and pressing factories in such local area or within 10 miles from the outmost limit of the area. Such license may fix the varieties of cotton and the zone from which cotton may be ginned in the factory.

Penalties

4. Any person, who in contravention of the provisions of this Act or of any notification issued under section 3 or rule made under section 14 knowingly—

(*a*) cultivates any inferior cotton shall, on conviction, be punishable with fine which may extend to rupees twenty for the first offence and to rupees fifty for every subsequent offence;

(*b*) (i) mixes or causes to be mixed such cotton with any other cotton, or

(ii) possesses, uses or trades in such cotton or any mixture of which such cotton forms a part, or

(iii) imports without license any such cotton;

shall on conviction be punishable with fine which may extend to rupees five hundred for the first offence and rupees one thousand for every subsequent offence;

(*c*) constructs any ginning and pressing factory in the area specified in Clause (*e*) of section 3 without license shall, on conviction, be punishable with fine which may extend to rupees two hundred for every day that the facrtoy is continued in such area.

Confiscation.

5. Whenever an offence under this Act has been committed, all cotton in respect of which the offence has been committed and every box, receptacle, package or covering in which such cotton is contained shall be liable to confiscation.

Procedure in confiscation.

6. (1) When in any case tried by a criminal Court, the Court decides that anything is liable to confiscation under section 5, it may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order confiscation.

(2) When an offence under this Act has been committed and the offender is not known or cannot be found or when anything liable to confiscation under this Act is found and is not claimed by any person, the Officer authorised by the Government in this behalf may hold an inquiry and may order confiscation:

Provided that no such order shall be made before the expiration of one month from the date of seizing the thing liable to confiscation or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim.

(1) The Officer authorised under sub-section (2) of section 6, may accept from any person who is reasonably suspected of having committed an offence under section 4 such sum of money as may be prescribed by rules made under section 14 by way of composition for such offence.

(2) On payment of such sum, such person, if in custody, shall be set at liberty, and if proceedings in any criminal Court have been instituted against such person in respect of such offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect o

10. No prosecution under this Act shall be instituted without the previous sanction of the Director of Agriculture. Previous sanction and limitation for prosecution.

11. No criminal court inferior to that of a Magistrate of the second class shall try any offence under this Act. Cognizance of offences.

12. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act. Protection for acts done under this Act.

13. Every Officer acting or purporting to act in pursuance of the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, as in force in Mysore. Officer acting under the Act to the public servant.

14. *Rules.*—(1) The Government may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Government may make rules for all or any of the following purposes, namely:—

(*a*) to prescribe the sum of money to be paid by way of composition under section 7;

(*b*) to prescribe the condition subject to which cotton seized may be forwarded under section 8;

(*c*) to fix the terms and conditions of licenses for import of inferior cotton and the authorities by whom such licenses may be granted;

(*d*) to fix the terms and conditions of licenses which may be granted for the construction of ginning and pressing factories in the areas specified in clause (*e*) of section 3 and the authorities by whom such licenses may be granted;

(*e*) any other matter which is to be or may be prescribed.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to rupees fifty.

(4) The rules made under this section shall be subject to the condition of previous publication in the official Gazette.

16. The MYSORE COTTON CONTROL BILL.

The SECRETARY to GOVERNMENT, GENERAL DEPARTMENT (Mr. J. Appaji Gowda) explained the general principles of the bill as follows:--

He added that this was not a novel measure, but had been introduced in all the Provinces and States where cotton was being grown extensively. This was particularly necessary now because Government were growing superior cotton over an extent of 3,000 acres in the Irwin Canal area and were likely to extend the area still further.

Mr. SHAIK AHMAD SAHIB enquired if the object of the measure was to prevent the imports of inferior cotton into the State, and if this was done, whether the superior cotton grown in the State would be sufficient to meet the requirements of the State

Mr. J. APPAJI GOWDA replied in the affirmative to the former question. As regards the latter, he said that attempts would be made to extend cultivation to the extent necessary for meeting all the local demand.

In view of this assurance, Mr. SHAIK AHMAL SAHIB wholeheartedly supported the measure.

Mr. Bhupalam R. CHANDRASEKHARAYYA said that two things were involved in the Bill. The first related to the safeguarding of the purity of the Mysore cotton by preventing the importation of inferior varieties of cotton from outside, as well as by controlling the cultivation of inferior strains of cotton in the State itself. That was indeed a laudable object. But there was another restriction imposed viz., that for starting ginning factories, licenses should be obtained. Thus, even the ginning factories would be subject to control by Government. On that account, there was room for the people to entertain the fear that just like sugar-cane cultivation in the Irwin Canal area, a monopoly might be created in respect of cotton cultivation als

The MINISTER for REVENUE and FINANCE (Rajamantrapravina K.V. Anantaramanayya) replied that there was no basis for any

such apprehension.

The DIRECTOR of AGRICULTURE (Rajasevaprasaktha T.G. Rama Iyer) explained that control of ginning factories also had been thought of for very good reasons. Some 2 or 3 years ago, owing to unhealthy competition, some of the factories were ginning cotton at very cheap rates and sometimes even free of all charges, just as buses sometimes carried passengers free. It was with a view to prevent such situations that licensing of these factories had been thought of. Their ~~manufacture~~ work would be regulated by rules, the places where ginning factories might be located would be defined and the sources of supply to them also would be specified. This did not necessarily mean that there would be only one factory. Licences would be given to as many factories as necessary.

Mr. Bhuapalam h. CHANDRASEKHARAYYA enquired as to the necessity of controlling ginning factories, if the object of the Government was only to maintain the quality of cotton, and whether the proposed law would apply to the existing ginning factories also.

Mr. T.G. RAMA IYER replied that control over ginning ~~mills~~ factories also was necessary with a view to prevent adulteration. But the law would not be applied to all the factories in the State. Licences should have to be obtained only in the ca of factories to be opened in or near the "controlled areas". A perusal of clause 3 of the bill would make this point clear. As was stated by the General Secretary to Government, this was not a new measure at all. A similar Act was introduced by the Government of India so long ago as 1923, and was in force ever since. A similar Act was introduced in Bombay in 1935; in Madras in 1932 and in all other Indian States also where cotton was grown extensively, viz.,

Hyderabad, Baroda, Gwalior, etc. To maintain the quality of cotton such a law was necessary.

Thereupon the general principles of the bill were put and passed unanimously.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. R.L.934.

General and Revenue Secretariat,

Dated Bangalore, 13th November 1941.

NOTIFICATION.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the gazette of the accompanying Mysore Cotton Control Bill, together with the statement of objects and reasons.

By order,

Sd. H.V. Narayana Rao
Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 350 copies to the Secretariat.

Memo No. R.L.935. *Dated, Bangalore, 13th Novr. 1941.*

Copy of the above is forwarded with compliments to the Secretary, Legislative Council, for information.

By order,

For Secretary to Government,
Law Department

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE. 74

No. R.L.934. General and Revenue Secretariat,

Dated Bangalore, ...13th November 1941.

NOTIFICATION.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the gazette of the accompanying Mysore Cotton Contro Bill, together with the statement of objects amd reasons.

By Order,

12.11.41

for Secretary to Government,
Law Department.

BVM

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 350.. copies to the Secretariat.

Memo No. R.L.935. Dated Bangalore, 13th Nov 1941.

Copy of the above is forwarded with compliments to the Secretary, Legislative Council, for information.

By Order,

For Secretary to Government,
Law Department.

NOTIFICATION.

No. Rl. 934, *dated Bangalore the* 13*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Cotton Control Bill, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

MYSORE COTTON CONTROL BILL.

Statement of Objects and Reasons.

In the major cotton tracts in India there is legislation controlling the cultivation and transport of inferior cotton so as to safeguard the quality and reputation of the cotton grown in particular tracts. The Cotton Transport Act of 1923 provides for the prohibition of import of cotton or any specified kind of cotton into any 'protected area' notified under the Act. The Madras Cotton Control Act of 1932 and the Bombay Cotton Control Act of 1935 prohibit the cultivation of specified varieties of inferior cotton in 'controlled areas' notified under the Acts. Similar legislation has been introduced in some other provinces also.

In Mysore, there is no such legislation at present. The cultivation of a very inferior short-staple cotton known as Bokda cotton is being started for adulteration with the medium staple cotton grown in the Chitaldrug District. It is therefore necessary to introduce legislation to prohibit the cultivation and transport of inferior cotton to controlled areas. In new areas, like the Irwin Canal area, where very superior cotton is being grown under irrigation, it is necessary to safeguard the purity of the varieties of cotton grown. Hence the

necessity to control the construction of ginning and pressing factories by the issue of licenses.

The notes on clauses appended hereto indicate the more important provisions of the Bill

Notes on Clauses.

Clause 3.—Under this clause Government are empowered to issue notifications prohibiting or regulating the cultivation or possession of, or trade in, specified varieties of cotton or the mixing of such cotton with any other cotton in areas and for periods to be specified in the notification. They are also empowered to prohibit within, and within ten miles of, such areas and for such periods, the construction of ginning factories except under a licence

Clause 4.—This clause provides penalties for a breach of any of the provisions of clause 3 committed knowingly.

Clause 5.—Any cotton, including its container, in respect of which an offence under this Bill has been committed is liable to confiscation.

Clause 6.—This clause specifies the procedure to be adopted in confiscating anything under clause 5.

Clause 7.—Provision is made by this clause for compounding an offence under clause 4.

Clause 8.—Any officer authorised in this behalf by the Government can, under this clause, enter upon any land or building where he knows or suspects that cotton is cultivated or kept, in contravention of clause 3 and may seize such cotton. He is required thereafter to report the seizure to the nearest Magistrate and to forward the cotton to an officer authorised by Government to receive it for examination. The opinion of such officer regarding such cotton will be evidence as to its nature in any enquiry, trial or proceeding under this Bill.

Clause 9.—Every owner, occupier or person in charge of the land or building which is inspected by an officer under the powers conferred by clause 8, is required to give all reasonable facilities for such inspection and a contravention of this requirement is punishable with fine which may extend to Rs. 20.

Clause 14.—The Government are empowered to make rules for carrying out the purposes of this Bill.

The Mysore Cotton Control Bill.

An Act to provide for the prohibition of the cultivation, possession or transport of inferior varieties of cotton.

WHEREAS it is expedient for maintaining the quality and reputation of the cotton grown in certain areas of the Mysore State, to prohibit the cultivation of inferior varieties of cotton and to restrict and control the transport of such inferior varieties into the cotton areas in Mysore and to prevent the mixing of such cotton with the superior varieties ; It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Mysore Cotton Control Act 194.....

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*a*) 'cotton' includes cotton plant, ginned and unginned cotton, cotton waste and cotton seed ;

(*b*) 'Director of Agriculture' means the Officer appointed for the time being to be the Director of Agriculture ;

(*c*) 'Inferior cotton' means varieties of cotton prohibited by notification under section 3 ;

(*d*) 'License' means a license granted under this Act ;

(*e*) 'Controlled area' means an area specified in a notification under section 3.

Power to issue notification prohibiting the cultivation, etc., of inferior cotton

3. The Government may, by notification in the official Gazette, in such local area and for such period as may be specified in the notification—

(*a*) prohibit or regulate the cultivation of specified varieties of cotton ; or

(*b*) prohibit or regulate the mixing of such cotton with any other cotton ; or

(*c*) prohibit or restrict the possession or use of, or trade in such cotton ; or

(*d*) prohibit the import of specified varieties of cotton in quantities of more than 10 lbs. except under license ; or

(*e*) prohibit the construction, except under a license of ginning and pressing factories in such local area or within 10 miles from the outmost limit of the area. Such license may fix the varieties of cotton and the zone from which cotton may be ginned in the factory.

Penalties

4. Any person, who in contravention of the provisions of this Act or of any notification issued under section 3 or rule made under section 14 knowingly—

(*a*) cultivates any inferior cotton shall, on conviction, be punishable with fine which may extend to rupees twenty for the first offence and to rupees fifty for every subsequent offence;

(*b*) (i) mixes or causes to be mixed such cotton with any other cotton, or

(ii) possesses, uses or trades in such c any mixture of which such cotton forms a part, or

(iii) imports without license any such cotton; shall on conviction be punishable with fine which may extend to rupees five hundred for the first offence and rupees one thousand for every subsequent offence;

(*c*) constructs any ginning and pressing factory in the area specified in Clause (*e*) of section 3 without license shall, on conviction, be punishable with fine which may extend to rupees two hundred for every day that the facrtoy is continued in such area.

5. Whenever an offence under this Act has been committed, all cotton in respect of which the offence has been committed and every box, receptacle, package or covering in which such cotton is contained shall be liable to confiscation.

6. (1) When in any case tried by a criminal Court, the Court decides that anything is liable to confiscation under section 5, it may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order confiscation.

(2) When an offence under this Act has been committed and the offender is not known or cannot be found or when anything liable to confiscation under this Act is found and is not claimed by any person, the Officer authorised by the Government in this behalf may hold an inquiry and may order confiscation:

Provided that no such order shall be made before the expiration of one month from the date of seizing the thing liable to confiscation or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim.

Compounding.

7. (1) The Officer authorised under sub-section (2) of section 6 may accept from any person who is reasonably suspected of having committed an offence under section 4 such sum of money as may be prescribed by rules made under section 14 by way of composition for such offence.

(2) On payment of such sum, such person, if in custody, shall be set at liberty, and if proceedings in any criminal Court have been instituted against such person in respect of such offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

(3) Notwithstanding anything contained in sub-section (2) it shall be lawful for the Court or the Officer authorised under sub-section (2) of section 6 to order confiscation under section 5.

Power to entry and seizure.

8. (1) Any Officer authorised in this behalf by the Government may, between the hours of 6 A.M. and 6 P.M.—

(*a*) enter upon any land in a controlled area in which he knows or has reason to believe that inferior cotton has been or is being cultivated in contravention of a notification under Section 3, uproot or cause to be uprooted such cotton, and seize the cotton so uprooted ; or

(*b*) enter upon or into any land, building, vehicle or place in a controlled area in which he knows or has reason to believe that inferior cotton or any mixture containing inferior cotton is kept in contravention of a notification under Section 3 and seize such cotton.

(2) Every Officer seizing any cotton under this section shall forthwith—

(*a*) make a report of such seizure to the nearest Magistrate of the first or second class having jurisdiction to try the offence committed in respect of such cotton, specifying in such report the particulars of such cotton and furnish a copy of such particulars to the occupier, or person in charge of the land, building, vehicle or place on or in which such seizure was made, and

(*b*) subject to rules made under section 14, forward such cotton to the nearest Officer

authorised by the Government to receive it for examination and for report to the Director of Agriculture.

(3) The opinion of the officer authorised under sub-section (2) regarding such cotton recorded in any document signed by such officer shall be evidence as to the nature of such cotton in any inquiry, trial or proceeding under this Act.

Duty of owner, occupier and person in charge to give facilities or inspection by authorised officer.

9. (1) Every owner, occupier or person in charge of any land, building, vehicle or place shall give all reasonable facilities to the officer authorised under sub-section (1) of section 8, to inspect such land, building, vehicle or place.

(2) Any person who contravenes the provisions of sub-section (1), shall, on conviction be punishable with fine which may extend to rupees twenty.

Previous sanction and limitation for prosecution.

10. No prosecution under this Act shall be instituted without the previous sanction of the Director of Agriculture.

Cognizance of offences.

11. No criminal court inferior to that of a Magistrate of the second class shall try any offence under this Act.

Protection for acts done under this Act.

12. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Officer acting under the Act to the public servant.

13. Every Officer acting or purporting to act in pursuance of the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, as in force in Mysore.

14. *Rules.*—(1) The Government may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Government may make rules for all or any of the following purposes, namely:—

(*a*) to prescribe the sum of money to be paid by way of composition under section 7;

(*b*) to prescribe the condition subject to which cotton seized may be forwarded under section 8;

(*c*) to fix the terms and conditions of licenses for import of inferior cotton and the authorities by whom such licenses may be granted;

(*d*) to fix the terms and conditions of licenses which may be granted for the construction of ginning

and pressing factories in the areas specified in clause (*e*) of section 3 and the authorities by whom such licenses may be granted;

(*e*) any other matter which is to be or may be prescribed.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to rupees fifty.

(4) The rules made under this section shall be subject to the condition of previous publication in the official Gazette.

Bill as passed by the Legislative C

D. H. Chandrasekharaiya

26/

President

Legislative Council

2

Section. Legis. 43-41
File No. ~~38-4+6 3~~
Serial No.

Proceedings of the Government of
H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No....R.L...1322

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....*191*

Ordered that the accompanying...Act ...to provide for the prohibition of the cultivation & transport of inferior varieties of cotton which received the assent of His Highness the Maharaja, on the...6th... day of...January... 1942, be published as Regulation No...~~XV~~ Act IV of 1942, in the *Mysore Gazette* for general information.

Date of issue.....

Signed by.....

27.1.42

Secretary to Government.
Law Department

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part ~~III~~ IV of the Gazette, in English and Kannada and for supply of .....~~spare copies in English, and~~ spare copies for standing orders .....~~spare copies in Kannada to~~ this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

NOTIFICATION.

No. Rl. 934, *dated Bangalore the* 13*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Cotton Control Bill, together with the statement of objects and reasons.

By Order

NARAYANA RAU,

Secretary to Government,
Law Departmen

MYSORE COTTON CONTROL BILL.

Statement of Objects and Reasons.

In the major cotton tracts in India there is legislation controlling the cultivation and transport of inferior cotton so as to safeguard the quality and reputation of the cotton grown in particular tracts. The Cotton Transport Act of 1923 provides for the prohibition of import of cotton or any specified kind of cotton into any 'protected area' notified under the Act. The Madras Cotton Control Act of 1932 and the Bombay Cotton Control Act of 1935 prohibit the cultivation of specified varieties of inferior cotton in 'controlled areas' notified under the Acts. Similar legislation has been introduced in some other provinces also.

In Mysore, there is no such legislation at present. The cultivation of a very inferior short-staple cotton known as Bokda cotton is being started for adulteration with the medium staple cotton grown in the Chitaldrug District. It is therefore necessary to introduce legislation to prohibit the cultivation and transport of inferior cotton to controlled areas. In new areas, like the Irwin Canal area, where very superior cotton is being grown under irrigation, it is necessary to safeguard the purity of the varieties of cotton grown. Hence the

necessity to control the construction of ginning and pressing factories by the issue of licenses.

The notes on clauses appended hereto indicate the more important provisions of the Bill.

Notes on Clauses.

Clause 3.—Under this clause Government are empowered to issue notifications prohibiting or regulating the cultivation or possession of, or trade in, specified varieties of cotton or the mixing of such cotton with any other cotton in areas and for periods to be specified in the notification. They are also empowered to prohibit within, and within ten miles of, such areas and for such periods, the construction of ginning factories except under a licence.

Clause 4.—This clause provides penalties for a breach of any of the provisions of clause 3 committed knowingly.

Clause 5.—Any cotton, including its container, in respect of which an offence under this Bill has been committed is liable to confiscatio

Clause 6.—This clause specifies the procedure to be adopted in confiscating anything under clause 5.

Clause 7.—Provision is made by this clause for compounding an offence under clause

Clause 8.—Any officer authorised in this behalf by the Government can, under this clause, enter upon any land or building where he knows or suspects that cotton is cultivated or kept, in contravention of clause 3 and may seize such cotton. He is required thereafter to report the seizure to the nearest Magistrate and to forward the cotton to an officer authorised by Government to receive it for examination. The opinion of such officer regarding such cotton will be evidence as to its nature in any enquiry, trial or proceeding under this Bill

Clause 9.—Every owner, occupier or person in charge of the land or building which is inspected by an officer under the powers conferred by clause 8, is required to give all reasonable facilities for such inspection and a contravention of this requirement is punishable with fine which may extend to Rs. 20.

Clause 14.—The Government are empowered to make rules for carrying out the purposes of this Bill.

The Mysore Cotton Control ~~Bill~~ Act, 1942

An Act to provide for the prohibition of the cultivation, possession or transport of inferior varieties of cotton.

WHEREAS it is expedient for maintaining the quality and reputation of the cotton grown in certain areas of the Mysore State, to prohibit the cultivation of inferior varieties of cotton and to restrict and control the transport of such inferior varieties into the cotton areas in Mysore and to prevent the mixing of such cotton with the superior varieties ; It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Mysore Cotton Control Act 194..2.....

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*a*) 'cotton' includes cotton plant, ginned and unginned cotton, cotton waste and cotton seed ;

(*b*) 'Director of Agriculture' means the Officer appointed for the time being to be the Director of Agriculture ;

(*c*) 'Inferior cotton' means varieties of cotton prohibited by notification under section 3 ;

(*d*) 'License' means a license granted under this Act ;

(*e*) 'Controlled area' means an area specified in a notification under section 3.

Power to issue notification prohibiting the cultivation, etc., of inferior cotton

3. The Government may, by notification in the official Gazette, in such local area and for such period as may be specified in the notification—

(*a*) prohibit or regulate the cultivation of specified varieties of cotton ; or

(*b*) prohibit or regulate the mixing of such cotton with any other cotton ; or

(*c*) prohibit or restrict the possession or use of, or trade in such cotton ; or

(*d*) prohibit the import of specified varieties of cotton in quantities of more than 10 lbs. except under license ; or

(*e*) prohibit the construction, except under a license of ginning and pressing factories in such local area or within 10 miles from the outmost limit of the area. Such license may fix the varieties of cotton and the zone from which cotton may be ginned in the factory.

4. Any person, who in contravention of the provisions of this Act or of any notification issued under section 3 or rule made under section 14 knowingly—

(*a*) cultivates any inferior cotton shall, on conviction, be punishable with fine which may extend to rupees twenty for the first offence and to rupees fifty for every subsequent offence;

mixes or causes to be mixed such cotton with any other cotton, or

possesses, uses or trades in such cotton or any mixture of which such cotton forms a part, or

imports without license any such cotton;

shall on conviction be punishable with fine which may extend to rupees five hundred for the first offence and rupees one thousand for every subsequent offence.

structs any ginning and pressing factory in fied in Clause (*e*) of section 3 without license iction, be punishable with fine which may pees two hundred tinued in such area.

(1) The Officer authorised under sub-section (2) of section 6 may accept from any person who is reasonably suspected of having committed an offence under section 4 such sum of money as may be prescribed by rules made under section 14 by way of composition for such offence. Compo ing.

(2) On payment of such sum, such person, if in custody, shall be set at liberty, and if proceedings in any criminal Court have been instituted against such person in respect of such offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

(3) Notwithstanding anything contained in sub-section (2) it shall be lawful for the Court or the Officer authorised under sub-section (2) of section 6 to order confiscation under section 5.

8. (1) Any Officer authorised in this behalf by the Government may, between the hours of 6 A.M. and 6 P.M.— Powe entry seizu

(*a*) enter upon any land in a controlled area in which he knows or has reason to believe that inferior cotton has been or is being cultivated in contravention of a notification under Section 3, uproot or cause to be uprooted such cotton, and seize the cotton so uprooted ; or

enter upon or into any land, building, vehicle or place in a controlled area in which he knows or has reason to believe that inferior cotton or any mixture containing inferior cotton is kept in contravention of a notification under Section 3 and seize such cotton.

(2) Every Officer seizing any cotton under this section shall forthwith—

(*a*) make a report of such seizure to the nearest Magistrate of the first or second class having jurisdiction to try the offence committed in respect of such cotton, specifying in such report the particulars of such cotton and furnish a copy of such particulars to the occupier, or person in charge of the land, building, vehicle or place on or in which such seizure was made, and

(*b*) subject to rules made under section 14, forward such cotton to the nearest Officer

authorised by the Government to receive it or examination and for report to the Director of Agriculture

The opinion of the officer authorised under sub-section (2) regarding such cotton recorded in any document signed by such officer shall be evidence as to the nature of such cotton in any inquiry, trial or proceeding under this Act.

Duty of owner, occupier and person in charge to give facilities or inspection by authorised officer.

9. (1) Every owner, occupier or person in charge of any land, building, vehicle or place shall give all reasonable facilities to the officer authorised under sub-section (1) of section 8, to inspect such land, building, vehicle or place

(2) Any person who contravenes the provisions of sub-section (1), shall, on conviction be punishable with fine which may extend to rupees twenty.

Previous sanction and limitation for prosecution.

10. No prosecution under this Act shall be instituted without the previous sanction of the Director of Agriculture.

Cognizance of offences.

11. No criminal court inferior to that of a Magistrate of the second class shall try any offence under this Act.

Protection for acts done under this Act.

12. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Officer acting under the Act to the public

13. Every Officer acting or purporting to act pursuance of the provisions of this Act shall be deem to be a public servant within the meaning of section 21 the Indian Penal Code, as in force in Mysore.

Rules.—(1) The Government may make ru not inconsistent with the provisions of this Act for purpose of carrying into effect the purposes of this Act

(2) In particular and without prejudice to generality of the foregoing provision, the Governm

and pressing factories in the areas specified in clause (*e*) of section 3 and the authorities by whom such licenses may be granted;

(*e*) any other matter which is to be or may be prescribed.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to rupees fifty.

(4) The rules made under this section shall be subject to the condition of previous publication in the official Gazette.

(Sd/ N. Madhava Rao
Dewan

NOTIFICATION.

Order No. R. L. 1322—*Legis.* 43-41-1, *dated Bangalore, the 27th January* 1942

Ordered that the accompanying Act to provide for the prohibition of the cultivation, possession or transport of inferior varieties of cotton, which received the assent of His Highness the Maharaja, on the 6th day of January 1942, be published as Act No. XII of 1942 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO

Secretary to Government, Law Department.

ACT No. XII OF 1942.

THE MYSORE COTTON CONTROL ACT, 1942.

An Act to provide for the prohibition of the cultivation, possession or transport of inferior varieties of cotton

(*Received the assent of His Highness the Maharaja on the 6th day of January* 1942.)

WHEREAS it is expedient for maintaining the quality and reputation of the cotton grown in certain areas of the Mysore State, to prohibit the cultivation of inferior varieties of cotton and to restrict and control the transport of such inferior varieties into the cotton areas in Mysore and to prevent the mixing of such cotton with the superior varieties ;

It is hereby enacted as follows

1. (1) This Act may be called the Mysore Cotton Control Act, 1942. Short title and extent.

(2) It extends to the whole of Mysore.

2. In this Act unless there is anything repugnant in the subject or context— Definitions.

(*a*) 'cotton' includes cotton plant, ginned and unginned cotton, cotton waste and cotton seed ;

(*b*) 'Director of Agriculture' means the officer appointed for the time being to be the Director of Agriculture

(*c*) 'inferior cotton' means varieties of cotton prohibited by notification under section 3;

(*d*) 'licence' means a licence granted under this

(*e*) 'controlled area' means an area specified in a notification under section 3.

Power to issue notification prohibiting the cultivation, etc., of inferior cotton.

The Government may, by notification in the official Gazette, in such local area and for such period as may be specified in the notific

(*a*) prohibit or regulate the cultivation of specified varieties of cotton; or

(*b*) prohibit or regulate the mixing of such cotton with any other cotton; or

(*c*) prohibit or restrict the possession or use of, or trade in such cotton; or

(*d*) prohibit the import of specified varieties of cotton in quantities of more than 10 lbs. except under licence; or

(*e*) prohibit the construction, except under a licence of ginning and pressing factories in such local area or within 10 miles from the outmost limit of the area. Such licence may fix the varieties of cotton and the zone from which cotton may be ginned in the actory.

4. Any person who, in contravention of the provisions of this Act or of any notification issued under section 3 or rule made under section 14, knowingly—

cultivates any inferior cotton shall, on conviction, be punishable with fine which may extend to rupees twenty for the first offence and to rupees fifty for every

extend to rupees two hundred for every day that the factory is continued in such area.

Confiscation.

Whenever an offence under this Act has been committed, all cotton in respect of which the offence has been committed and every box, receptacle, package or covering in which such cotton is contained shall be liable to confiscation.

Procedure in confiscation.

6. (1) When in any case tried by a criminal Court, the Court decides that anything is liable to confiscation under section 5, it may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order confiscation.

(2) When an offence under this Act has been committed and the offender is not known or cannot be found or when anything liable to confiscation under this Act is found and is not claimed by any person, the officer authorised by the Government in this behalf may hold an inquiry and may order confiscation:

Provided that no such order shall be made before the expiration of one month from the date of seizing the thing liable to confiscation or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim.

Compounding

7. (1) The officer authorised under sub-section (2) of section 6 may accept from any person who is reasonably suspected of having committed an offence under section 4 such sum of money as may be prescribed by rules made under section 14 by way of composition for such offence.

(2) On payment of such sum, such person, if in custody, shall be set at liberty, and if proceedings in any criminal Court have been instituted against such person in respect of such offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

(3) Notwithstanding anything contained in sub-section (2) it shall be lawful for the Court or the officer authorised under sub-section (2) of section 6 to order confiscation under section 5.

Power t entry ai seizure.

8. (1) Any officer authorised in this behalf by the Government may, between the hours of 6 A.M. and 6 P.M.—

(*a*) enter upon any land in a controlled area in which he knows or has reason to believe that

inferior cotton has been or is being cultivated in contravention of a notification under section 3, uproot or cause to be uprooted such cotton, and seize the cotton so uprooted; or

enter upon or into any land, building, vehicle or place in a controlled area in which he knows or has reason to believe that inferior cotton or any mixture containing inferior cotton is kept in contravention of a notification under section 3 and seize such cotton.

(2) Every officer seizing any cotton under this section shall forthwith—

make a report of such seizure to the nearest Magistrate of the first or second class having jurisdiction to try the offence committed in respect of such cotton, specifying in such report the particulars of such cotton, and furnish a copy of such particulars to the occupier or person in charge of the land, building

12. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

13. Every officer acting or purporting to act in pursuance of the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, as in force in Mysore.

14. (1) The Government may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Government may make rules for all or any of the following purposes, namely:—

(*a*) to prescribe the sum of money to be paid by way of composition under section 7;

(*b*) to prescribe the condition subject to which cotton seized may be forwarded under section 8;

(*c*) to fix the terms and conditions of licences for import of inferior cotton and the authorities by whom such licences may be granted;

(*d*) to fix the terms and conditions of licences which may be granted for the construction of ginning and pressing factories in the areas specified in clause (*e*) of section 3 and the authorities by whom such licences may be granted;

(*e*) any other matter which is to be or may be prescribed.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to rupees fifty.

(4) The rules made under this section shall be subject to the condition of previous publication in the official Gazette.

N. MADHAVA RAU,
Dewan.

Adopted from the "Agriculture & Live Stock in India" of the J.C.A.R. Vol VI Part III May 1936

App. 10

Prohibition of the cultivation of Bokda Cotton.

93

An Act to provide for the prohibition of the cultivation of Bokda cotton and the mixing of such cotton with other cotton - and for the prohibition or restriction of the possession or use of, or trade in, Bokda cotton or cotton mixed with Bokda cotton.

Whereas it is expedient in the best interests of the - growers of cotton in certain areas in the Mysore State the - cotton trade and the economic prosperity of the said State to maintain the quality and reputation of the cotton grown in - those areas and for that purpose to prohibit the cultivation of Bokda cotton and the mixing of such cotton with other cotton and to prohibit or restrict the possession or use of, or trade in Bokda cotton or cotton mixed with Bokda cotton;

[And whereas the previous sanction of the .... required by Subsection (3) of section 80 A of Government of India Act and the previous sanction of the ~~Governor~~ Government required by Section 80 C. of the said Act have been obtained for the passing of this Act;] it is hereby enacted as follows:-

1. (1) Short title and extent.- This Act may be called the Mysore Cotton control Act, 193-

(2) It extends to the whole of Mysore State.

2. Definitions.- In this Act unless there is anything repugnant in the subject or context, -

(a) "Cotton" includes cotton plant, ginned and unginned cotton, cotton waste and cotton - seed;

(b) "Director of Agriculture" means the Officer appointed for the time being to be the - Director of Agriculture;

(c) "Bokda cotton" means the kind of cotton known as (Gossipium Herbaceum); and

(d) "Controlled are" means an area specified in a notification under Section 3.

Power to issue notification prohibiting the cultivation etc., of ~~Bokda~~ inferior Cotton.

The Local Government may by notification in the ~~Mysore~~ Official ~~Government~~ Gazette in such local area and for such period as may be specified in the notification -

(a) Prohibit the cultivation of Bokda or other inferior cotton;

(b) Prohibit the mixing of ~~Bokda~~ such cotton with any other cotton; or

(c) Prohibit or restrict the possession or use of, or trade in, Bokda cotton or any other cotton mixed with Bokda cotton.

Penalty.- Any person, who in contravention of the provisions of this Act or any notification issued under Section 3 ~~of~~ or rule made under section 14 knowingly -

(a) Cultivates Bokda or other inferior cotton shall, on convictio be punsihable with fine which may extend to ruppes Twenty for every first offence and to rupees Fifty for evety subsequent offenc

(b) (i) Mixes or causes to be mixed Bokda cotto ~~or~~ with any other cotton, or

(ii) Possess, uses or trades in Bokda cotton or any other cotton mixed with Bokda or other inferior cotton, or

shall on conviction be punsihable with fine which may extend to rupees five hundred for the first offence and rupees one thousand for every subsequent offence.

Confiscation.- Whenever an offence under this Act has been committed, all cotton in respect of which the offence has been committed and eve

such offence, the composition shall be - deemed to amount to an acquital and no further proceedings shall be taken agains such person in respect of such offence/ not with standing anything contained in subsection (2), it shall be lawful for th court or the officer authorised under - subsection (2) of Section 6 to order conf cation under Section 5.

Power to entry and seizure. Any officer authorised in this behalf by the local Government may between the hours of 6 A.M. and 6 P.M. -

(a) enter upon any land in a controlled - area in which he knows or has reason to believe that Bokda cotton has been or is being cultivated in contravention of a - notification under Section 3, uproot or cause/ to be uprooted such cotton, and - seize the cotton so uprooted; or

(b) enter upon or into any land, building ship, vessel, vehicle, or place in a controlled area in which he knows or has rea or any other cotton mixed with bokda cotton or interior son to believe that Bokda cotton is kept in contravention of a notification under Section 3 and seize such cotton.

Every officer seizing any cotton under this section shall forth with -

(a) make a report of such seizure to the nearest Magistrate of the First or Second class having jusrisdiction to try the - offence committed in respect of such cott specifying in such report the particulars such cotton and furnish a copy of such -

Cognizance of offences. No Criminal court inferior to that of a Presidency Magistrate or a Magistrate of the Second class shall try any offence under this Act.

Protection for acts done under this Act. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Officer acting under the Act to be public servant. Every officer acting or purporting to act in persuance of the provisions of this Act shall be deemed to be a public servant within the meaning of Section 21 of Indian Penal Code.

Rules.- The local Government may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the purposes of this Act. In particular and without prejudice to the generality of the foregoing provision, the local Government may make rules for all or any of the following purposes, namely:-

(a) to prescribe the sum of money to be paid by way of composition under Section 7;

(b) to prescribe the conditions subject to which cotton seized may be forwarded under Section 8;

(c) Any other matter which is to be or may be prescribed.

Any such rule may provide that a contravention thereof shall be punishable with

A3 after from the Bombay Act- XIV of 1923
Act 15 of 1923

An act to provide for the restriction and Control of the transport of cotton in certain circumstances.

Whereas it is expedient for the purpose of maintaining the quality and reputation of the - cotton grown in certain areas in British India to enable the restriction and control of the transport by rail and the import of cotton into those areas; It is hereby enacted as follows:-

1. (1) Short title and extent. This act may be called the Cotton transport Act 193

(2) It extends to the whole of Mysore State.

2. Definitions.- In this Act unless there is anything repugnant in the subject or context, -

(a)"Certified copy" in relation to a licence means a copy of the licence certified in the manner - described in Section 76 of the Indian Evidence - Act 1872 by the authority by which the licence was granted;

(b)"Cotton means" ~~droppings, strippings, fly and~~ manufactured ~~other waste products of a cotton mill~~ every kind of cotton, that is to say, ginned and unginned - cotton, cotton waste and cotton seed;

(c) 'Cotton waste' means droppings, strippings - fly and other waste products of a cotton mill - other than yarn waste;

(d) "Licence means" a licence granted under this Act;

(e)"Notified station" means a railway station specified in a notification under Section 3;

(f) "Prescribed" means prescribed by rules made under this Act, and

(g) "Protected area" means an area into which the import of cotton or any kind of cotton has been prohibited wholly or partly by a notification -

1923 by the authority by which the licen
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transport act 1963

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of to provide for the regulation
control of the transport of cotton in

"cotton waste" means cotton waste of any kind and other waste products of cotton ma
fibre waste', 'cotton droppings', 'strip
tion', cotton waste and cotton seed;
tion', that is to say, ginned and unginned
xxxx

notification under Section 3.

Power to issue notification prohibiting import of cotton into protected area.

The [local] Government may, for the purpose of maintaining and improving the quality of cotton grown in any area in [the province] by notification in the [local] official Gazette, prohibit the import of cotton or any specified kind of cotton into that area by rail, road, river and sea, or by any one or more of such routes save un and in accordance with the conditions of, a - licence:

Provided that no such notification shall be deemed to prohibit the import into any protected area of packages containing any kind of cotton - and not exceeding 10 lbs. avoirdrupois weight.

Any such notification may prohibit the deli- very to, and taking delivery of by any person at any specified Railway station situated in the pr tected area of any cotton the import of which in that area is prohibited when such cotton has bee consigned from a railway station not situated in that area unless such person holds a licence for the import by rail of the cotton into that area.

Refusal to carry unlicensed cotton.

Notwithstanding anythir contained in the [India Railways Act 1890] or any other law for the time being in force, the Station Master of any railway station or any other Railway servant responsible for the booking of goods at that station may refuse to receive for carriage at, or to forward or allowed to be carried on the railway from that station any cotton consigned to a notified statio being cotton of a kind of which the delivery at such notified station has been prohibited unless

tification under Section 3.

wer to issue notification The [local] Govern-
olitbiting import of cotton
into protected area. ment may, for the

rpose of maintaining and improving the quali-
cotton grown in any area in the Province by
tification in the [local official Gazette, pro-
bit the import of cotton or any specified kind
cotton into that area by rail road river and
a or by any one or more of such routes save und

satisfied that the consignee holds a license for the import of the cotton into the protected area in which such notified station is situated. and, if he is not so satisfied or if within 14 days - the consignee or some person acting on his behalf does not appear in order to take delivery shall - return the cotton to the railway station from - which it was consigned at the risk of the origina consignor and or / consignee together with an - intimation that delivery of the cotton has been refused or has not been taken, as the case may be

Any Station Master or other Railway servant receiving any cotton returned under Sub section (1) or returned with a like intimation from a - railway station specified in a notification under Sub section (3) of Section 4, shall cause to be served on the consignor in any manner authorised by Section 141 of the ~~Indian~~ Mysore Railways Act 1890 a notice stating that the cotton has been so returned and requiring the consignor to pay any - rate terminal or other charges due in respect of the carriage of the cotton to and from the Railway station to which it was consigned and such - charges shall be deemed to be due from the consignor for all the purposes of Section 55 of that ~~Act~~ Act.

Any person who in contravention of the provisions of this Act or of any notification or rul Penalties. made hereunder, knowingly takes - delivery of any cotton from a notified station, and any Station Master or other railway servant/ who ~~is~~ in contravention of the provisions of Sub section (1) of Section 5 without reasonable excuse the burden of proving which shall lie upon him -

Main Station Master or other railway agent
received or has not been taken, as the case may
Interpretation that delivery of the cotton has be
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him delivers any cotton to the consignee or other person shall be liable to a fine not exceeding one thousand rupees and upon any subsequent conviction to imprisonment which may extend to 3 months, or to fine which may extend to five thousand rupees or both. The Court may at its descretion also order the forfeiture of the cotton to Government.

Powers to make rules.

The [local] Government may by notification in the [local] official Gazette make rules to provide for any of the following matters, namely:-

(a) the ~~provision~~ prevention of the import into a protected area by road, river or sea, save under in accordance with the conditions of a license of cotton the import of which into that area has been prohibited wholly or partly by a notification under Section 3.

(b) the terms and conditions to be contained in licenses and the authorities by which they may be granted not withstanding any of the terms of the bill such conditions may deal with the transport of cotton within a specified area and not merely with import into such area.

(c) the manner in which licenses and certified copies thereof shall be dealt with on and after the delivery of the cotton to which they relate.

2. Any such rules may provide that any contravention thereof of the conditions of any license not otherwise made punishable by this Act shall be punishable with fine which may extend to five hundred rupees or total forfeiture of the cotton.

Previous approval of local Legislature to issue of notifications and rules.

No notification under Section 3 or rule under Section 7 shall be made by the

under section 8.

scribed wholly or partly by a notification -

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protected area by road, river or sea, save un

a) the maximum prevention of the import into

of the following matters, namely:-

make rules to provide for any

Power to make rule

In the [Local Political Assembly

The [Local] Government may by notification in

order the forfeiture of the cotton to Government.

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to imprisonment which may extend to 3 months, or

thousand rupees and upon any subsequent conviction

person shall be liable to a fine not exceeding of

him delivers any cotton to the consigned or other

the local Government or any Governors province, unless it has been laid in draft before the Legislative Council of the State, and has been approved by a Resolution of the Legislative Council, either with or without modification or addition but upon such approval being given the notification or rule, as the case may be, may be issued in the form in which it has been so approved.

Protection for acts done under Act.

No suit or other legal proceeding shall be instituted against any person in respect of any thing which is in good faith done or intended to be done under this Act.

be done under this Act.

thing which is in good faith done or intended to

person in Subject of any

Protection for acts done under Act.

Instituted proceedings any

No suit or other legal proceeding shall be form in which it has been so enjoyed.

rule. as the case may be it was in the - such approval being given the modification or - with or without modification or addition but upon by a resolution of the Legislative Council, ei lative Council of the State, and has been rejec unless it has been laid in draft before the Le